

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 339 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE D.P.BUCH

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PRATAPBHAI S SOLANKI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 339 of 1993
MR BS SUPEHIA for Petitioner No. 1
MR MA BUKHARI APP for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE D.P.BUCH

Date of decision: 13/12/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

The appellant-accused-Pratapbhai S. Solanki has challenged in this appeal, which is filed through jail, the impugned judgment and order of conviction and sentence dated 26.2.1993 passed by the learned Addl. Sessions Judge, Panchmahal at Godhra in Sessions Case No.108 of 1992 convicting him for the offences under Sections 302 and 452 IPC and also for the offences under Section 135 of B.P.Act. He has been sentenced to suffer life imprisonment for the major offence under Section 302 IPC with fine of Rs.500/= in default to further undergo R.I. for 2 months. However, no separate sentence was

awarded for the offences under Section 452 IPC.

Learned APP Mr.Bukhari for the respondent-State places on record a letter dated 11.12.2001 addressed by the Deputy Superintendent, Vadodara Central Jail, Vadodara to the main Government Pleader of this court. The same is ordered to be taken on record. As per that letter the appellant accused has already been released from jail after completing the sentence along with set off of 5 years on the ground that he was above 65 years.

Under the circumstances, it would be an exercise in futility, therefore, we refrain ourselves deciding the matter on merits as the subsequent events taken place in the matter, this appeal has almost become infructuous. Under the circumstances, without expressing any opinion about the legality and validity of the impugned order of conviction and sentence passed by the learned Trial Judge, we dispose of this appeal because in our considered opinion the appellant-accused was neither Government servant nor likely to be affected by the order of conviction in other fields of life. In view of the above discussion, this appeal is disposed of accordingly.

(B.J.Shethna, J.)

(D.P.Buch, J.)

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